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AUTHOR Bickford, Susan
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ABSTRACT

This paper analyzes Pennsylvania's Safe Schools Act of 1995 and 1997, discussing decisions that led to its adoption and its impact on Pennsylvania schools from 1995 to 2001. It presents a history of media reports on school violence, and discusses the national experience, zero tolerance and its effects, and Pennsylvania's answer to school violence. The Safe Schools Act prohibited weapons possession and required expulsion; defined weapons, school property, and school entity; established the Office of Safe Schools within the Department of Education; set forth reporting requirements for violence and weapons possession; required a sworn statement prior to admission to any school entity; provided for the transfer, maintenance, and availability of records; and required a one-time cost survey to the legislature. The zero tolerance policy forced schools to expel students for relatively minor offenses and created the dilemma of what to do with expelled students. In response, the governor developed the Alternative Education for Disruptive Youth Program. The paper critically evaluates the policy and its outcomes, explaining its impact on secondary students and their schools. (Contains 20 references.) (SM)

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Alternative Education for At-Risk Youth:

An Analysis of Specific Legislation from 1995-1999 in Pennsylvania

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I. Introduction

Depression, despair, mental health issues, violence, physical and mental abuse, crime, alcohol and drug dependency, dysfunctional/dependent relationships, and general feelings of alienation are just a few of the emotional, environmental, and physical problems that can converge to adversely impact the lives of high school students. Increasingly schools must deal with poverty, the breakdown of families and communities, the neglect of children, the increasing presence of violence in movies and television, high levels of actual crime and violence, shootings at schools, higher levels of drug and alcohol abuse, the threat of AIDS, and now terrorism in American society. What is a school supposed to do to combat such degradation of society and prevent the spill-over into the everyday classroom of the public school? Research has proven that such issues are linked directly to disruption in the classroom, academic failure, and youth violence.

It was just such violence, (as reported in the media), that led federal and state legislatures in the early 1990's to draft legislation in an attempt to make schools more safe for the average student and to satisfy the insistence by the general public do to "something" to prevent violence in public schools. An example of just such legislation is Act 26 of 1995. It, along with two additional laws, Act 30 of 1997 and Act 36 of 1999, helped to shape the future of alternative education for disruptive youth in Pennsylvania.

The purpose of this paper is to analyze the present policy, the Safe Schools Act of 1995 and 1997, discussing the decisions that led to its adoption and its impact on Pennsylvania schools, from 1995 to the present. I will provide the policy history, a literature review of the policy itself identifying the entrepreneurs, the framework/method used, and the policy alternatives. In conclusion, I will critically

evaluate the policy and its outcomes in an effort to explain its negative impact on secondary students and their schools.

II. Background of the Problem: Media Reports Violence

> *"Congress finds that juveniles between the ages of 10 years and 14 years are committing increasing numbers of murders and other serious crimes ... the tragedy in Jonesboro, Arkansas, is, unfortunately, an all too common occurrence in the United States."*
> -- the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

Performing emergency armed intruder drills, the presence of police officers (a.k.a. resource officers), hostage drills, metal detectors, and courses in anger-managment training makes it sound as if we are talking about a detention center rather than a public school setting. However these are the measures that many schools find themselves considering as a result of incidents of violence reported at schools all over the United States. The decade of the 1990's saw shootings in Columbine, Colorado; Santee, California; West Paducah, Kentucky; Jonesboro, Arkansas; and Edinboro, Pennsylvania. As a result, parents, teachers, administrators, and policy makers are all desperately wondering why and how such incidents have occurred and what can be done to ensure that our children are safe at school. As the national news media poured into Pearl, Mississippi (1997) and Springfield, Oregon (1991 & 1992), they magnified coverage of these highly unusual crime stories and used the following terminology "an all too familiar story" or "another in a recent trend"(Donohue, Schiraldi, and Ziedenberg, 1999). Even a non-fatal shooting in Richmond, Virginia received national headlines in June of 1998 because it occurred in a high school hallway during final exams.

The series of high-profile school shootings have led to the public perception that deadly youth violence is on the rise in the United States. The media's reporting of such

incidents has added greatly to the perception that "all is not well" in America's schools. In April 2000, a Gallup poll found that 66% of all adults and 63% of parents with children in school feel that it is very or somewhat likely that a Columbine High-style shooting could occur in their community (Education Week, 2001). Even the FBI has developed what they call a "threat assessment protocol" for possible school shooters -- a modified version of the system used by federal officers to detect serial killers and terrorists!

In reality, the most recent data on school violence suggests that students may face fewer threats at school than in public -- in short a student is safer at school than in a vehicle or even his or her own home. In 1998 students were about two times as likely to be victims of serious violent crime away from school as at school (Indicators of School Crime and Safety, 2000). The "2000 Annual Report on School Safety" from the U.S. Departments of Education and Justice indicates that overall crime rates in schools have declined since their peak in 1993 (Violence and Safety, 2001). Between 1995 and 1999, the percentage of students who reported being victims of crime at school decreased from 10% to 8%. The overall rates at which students were threatened, injured, or in a fight at school during a given year remained relatively unchanged during the decade of the 1990's (Education Week, 2001).

Contrary to the media's portrayal, school violence doesn't happen "any place." Even in communities where the tragic events occurred, they were atypical events. Eighty-five percent of all communities in America recorded no juvenile homicides in 1995 (Donohue, Schrialdi, Ziedenberg, 1998). In 1995, 93.4 percent reported there were no juvenile arrests for murder. Three times as many juvenile homicide victims are killed by adults as by other juveniles (FBI, 1996). The best data available on the very specific threat of school-associated violent death reveals that school children face a one in a million chance of being killed at school. Other research continues to show that the number of school shooting deaths have declined since 1992. To help one understand how these percentages translate into real life, the number of children killed by gun

violence in schools is about half the number of Americans killed annually by lightning strikes (National Climatic Data Center, 1997). Yet how can one explain the sudden "knee jerk" reaction to perceived school violence and the federal government's rapid response?

Rather than providing context, the media called these shootings "a trend" and this tended to exacerbate people's fears about the safety of their children and teens in school. This resulted in a misdirected public policy that was and continues to be extended to safeguard the public schools, even though the real threat may have not been accurately identified. It would have been better to counter public fears through the use of data collection or information. According to Weiss (1983) information is only one basis upon which policy actors form their positions. There are occasions when information is critical, but it is more often outweighed by ideology and interests -- two factors that tend to carry higher emotional "baggage." The process of gathering data or information is seen as too slow for public policy advocates in the concept of the "policy stream" (Kingdon, 1984). Problems are not necessarily obvious according to Kingdon. They tend to need a little push to get the attention of people in and around government. That push is sometimes provided by a focusing event such as a crisis or disaster that comes along and calls attention to the problem. The result is that suddenly a particular policy rises to the top of the policy agenda and gets national attention. The central focus ("stream") of a particular problem or issue can be accomplished by such factors as the national mood, the climate in the country, and changes in public opinion.

The fear instilled by the media's focus on tragic events pushed school violence to the forefront of public policy in 1993-94. This created an opportunity for a "policy window" to open. According to Kingdon (1984), a window opens when the conditions emerge to push a given subject higher on the policy agenda. A condition (school shootings) came to be defined as a problem by the media and through their influence, by the public. The public in turn put pressure upon the state and federal legislatures to

respond to the "crisis" rapidly as defined by the media.

As noted by the U.S. Congressional Bi-Partisan Working Group on Youth Violence, there are many misconceptions about the prevalence of youth violence in our society. It is important to look past the hot-tempered discourse that often surrounds the issue and be cautious about inappropriately creating a cloud of fear over every student in every classroom across the United States (February, 2000.) Statistically speaking, schools are among the safest places for children to be.

III. The National Scene

> *"This recent series of killings in our schools has seared the heart of America about as much as anything I can remember in a long, long time"*
> -- President Bill Clinton, July 7, 1998.

In the months following the shootings in Jonesboro, Arkansas, policy makers in Washington reacted abruptly to what they perceived to be a huge swing in public opinion: a moral panic swept the country as parents and children suddenly feared for their safety at school. As one parent put it "it scared me to death that I 'm sending my child to school .... and in light of getting an education, I may end up burying her" (O'Hanlon and Levine, 1998). The killings in Jonesboro were especially troublesome because they occurred among middle school children, pushing the envelope of violence to even younger grades. The public and the policy makers judged the safety of schools as unacceptable and began to insist on changes to protect all children.

School violence remains to this day a disturbing reality in America's schools, but it is in the very fabric of America as well. The schools merely reflect the greater society. Nevertheless, officials took steps to address the problem on a national level. The

research on school shootings did not reach the policy actors in a timely or effective way. Add to the "policy soup" the fact that schools were already seen as not making the grade according to the release of the *Nation at Risk* report of 1983 and the educational reform agenda set by President Bush in the early 1990's. Report cards for schools and their effectiveness were already the subject of media focus. Since the mid 1980's, schools have been subject to reform after reform -- some mandated by state governments, but most voluntarily implemented by local school officials, in an effort to reassure the public that changes were being made.

It was President Clinton, in 1994, who drafted the legislation called the Improving America's Schools Act. This legislation extended the Elementary and Secondary Education Act of 1965 and created the Safe Schools Act. The Safe Schools Act included a provision called the Gun-Free Schools Act. This aspect of the law mandates expulsion of one full calendar year for possession of a weapon and referral of students who violate the law to the criminal or juvenile justice system. It also provides that the one-year expulsions can be modified by the "chief administrative officer" of each local school district on a case-by-case basis (Skiba and Peterson, 1999). This zero tolerance for gun violence was created to send a powerful message to the school community.

IV. Zero Tolerance and Its Effects

From the beginning of the increased media attention toward violence in schools, efforts to address the problem have ranged from increased security measures to the adoption of zero tolerance policies for students who engage in violent acts, are found with weapons in school, or have made threats of violence against teachers or their peers. Politicians have proposed solutions to the problem of violence ranging from posting additional police officers in schools, eliminating any minimum age at which children may be tried as adults, to expanding the death penalty to juveniles. The

governor of Virginia suggested ending school-based after-hours programs due to the violence, even though a wide spectrum of criminologists, educators, and law enforcement officials say that these programs actually reduce crime and enhance community (Donohue, Schiraldi, and Ziedenberg, 1998). Zero tolerance was originally intended as a policy to improve safety in school by ensuring that all children, regardless of race, background, or parental influence, would follow the rules (Curwin and Mendler, 1999). It is now used as an excuse to treat all children the same no matter what the situation.

Many school districts have policies dictating that any sort of threat will result in automatic expulsion. Some observers are concerned that such "crackdown" approaches to school violence fail to address the root problems of school violence -- student isolation, disengagement from learning, family pressure, home stress caused by dysfunctional families (a phenomenon that knows no socioeconomic boundaries).

"Zero tolerance" is the term applied to policies that punish all offenses severely, regardless of the situation or the individuals involved. It actually grew out of state and federal drug enforcement policies in the 1980's. In 1983, the U.S. Navy that reassigned 40 submarine crew members for suspected drug abuse (Skiba and Peterson, 1999). In 1986 the term "zero tolerance" was used by a U.S. attorney in San Diego as the title of a program developed to impound sea craft carrying any amount of drugs. By February 1988, this program had received national attention and the U.S. Attorney General authorized customs officials to seize the boats, automobiles, and passports of anyone crossing the border with even trace amounts of drugs and to charge them in federal court. Zero tolerance took hold quickly and within months was applied to issues as diverse as environmental pollution, trespassing, skatebording, racial intolerance, homelessness, and sexual harassment!

These harsh punishments meted out to all under the policy caused great controversy. Private citizens who had their cars and boats impounded for some minute

amount of drugs complained bitterly to their congressional representatives. The American Civil Liberties Union considered filing a class action suit against the program. By 1990 the U.S. Customs Service quietly discontinued its zero tolerance policy due to the strict application of the rule to the seizure of two research vessels on which a small amount of marijuana was found. The vessels belonged to the U.S. government.

Just as the zero tolerance drug programs were being phased out, the public schools liked the term and decided to apply it to possession of drugs, gang-related activities, and even school disruption (New York State, 1991). By 1993 zero tolerance policies were being adopted by school boards across the United States. The policy was broadened to include not only drugs but weapons, tobacco, and any type of school disruption. In 1994, President Clinton formalized the policy in the Gun-Free Schools Act. When this occurred, many states, including Pennsylvania, followed with legislation of their own aimed at removing students from the public school setting if they were "disruptive."

V. Pennsylvania's Answer to Violence in Schools

At first policies, especially those adopted by Pennsylvania legislatures in particular, focused on strict crackdown measures in an attempt to "solve the problem" quickly. However these quick fixes did not solve the problem -- they only created more problems in public schools for teachers, administrators, and ultimately the disenfranchised student. Often students were isolated from the regular classroom setting and even deprived of an education in the name of safety. There was no attempt for the first few years to get to the basic issues causing the violence -- student isolation, disengagement from learning, family and home stress.

The first piece of legislation to embody the national zero tolerance policy set forth by President Clinton was Pennsylvania Legislative Act 26 of 1995. It was called

the Safe Schools Act and was introduced by Governor Tom Ridge. It has the following provisions:

- prohibits possession of weapons and requires expulsion
- defines weapon, school property, and school entity
- establishes the Office of Safe Schools within the Department of Education and lists its powers and duties
- set forth reporting requirements for incidents of violence and weapons possession
- require a sworn statement prior to admission to any school entity
- provide for the transfer, maintenance, and availability of records
- require a one-time cost survey to the legislature.

Act 30 of 1997 further amends Act 26 of 1995 to include additional information about possession of weapons. The old law required that any student who brought a weapon onto school property must be expelled, but it did not address students who illegally possessed a weapon on school property. The new amendment now requires expulsion "for a period of not less than one year for any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity, or any public conveyance providing transportation to a school or school-sponsored activity" (Center for Safe Schools, 2001).

Coupled with the Safe School initiatives of 1995, Governor Ridge created another program because of pressure put on him by the schools and private citizens due to the zero tolerance policy. Suddenly schools were faced with the prospect of what to do with students who are expelled. Where will they be educated? The legislation forces the district to examine the records of all incoming students as to whether they have been expelled for weapons violations. The parent is required by law to inform the

school district of such violations. If the student has expulsion on his/her record, the new school does not have to accept them. According to federal legislation and basic civil rights of students -- that they are protected and assured under federal law to receive a "Free and Appropriate Public Education" or FAPE -- the school that expelled the student must provide for his or her education. What does this mean?

If a student is unable to get any other school in Pennsylvania to accept them (there is no law that says they must) when they are expelled, then the original school must provide their education for the period of the expulsion. This put school districts in Pennsylvania in a quandary. How would they provide a safe environment for the rest of the students and still educate the offender? Parents, less than satisfied with the attempts by some school districts to provide the education outside the classroom, demanded that districts educate their children "appropriately" according to their civil rights. Schools were facing litigation or struggling to find money to provide instruction to the student "at-home" through the use of qualified teachers. They in turn put pressure on the Pennsylvania Department of Education and on their legislators. Remember students were being suspended and expelled for "disobedience or misconduct" (Civil Rights Project, 2000). In response, late in 1995 Governor Ridge created the Alternative Education for Disruptive Youth Program as a part of his Safe Schools initiatives. The alternative education program became formalized as part of the Legislative Act 30 of 1997 and thus funding was provided for the first time to assist school districts in creating their own alternative programs for at risk students.

Under Act 30, students served in Alternative Education for Disruptive Youth Programs are usually enrolled in middle, junior high, and senior high schools. However, vocational-technical schools, special school jointures, even charter schools may apply for the grants. Eligible students must exhibit any or all of the following behaviors to be considered for the program:

- disregard for school authority, including persistent violation of school policy and rules;
- display of or use of controlled substances on school property or during school-affiliated activities;
- violent or threatening behavior on school property or during school-related activities;
- possession of a weapon on school property, as defined under 18, Pa. C.S. Section 912 (relating to possession of weapon on school property);
- commission of a criminal act on school property;
- misconduct that would merit suspension or expulsion under school policy:
- habitual truancy (PDE, 2001).

The State of Pennsylvania, through yearly data collection by the various alternative programs, continues to fund the initiative begun by Governor Ridge. In the 1999-2000 school year, the School Services Unit of PDE received 265 applications for Alternative Education for Disruptive Youth Programs and awarded $10 million in grant to public schools who served 16,681 students (PDE, 2001). This was the first such year that extensive funding was given by the state legislature, at Governor Ridge's request. Schools that averaged 16 students per week could receive up to $30,000. in grant money to cover expenses such as salaries, building rent, equipment, supplies, and books. The school district was to supply the remaining funds necessary to meet the needs of the program. One can easily see that this money would not cover the cost of one teacher's salary, but it did go a long way to make more alternative programs for at risk youth possible.

In the last two years, the Pennsylvania Department of Education began to be even more responsive to the needs of the students and the districts providing their education in alternative programs. They saw the many benefits of providing a therapeutic component to the program since the profiles of students enrolled showed

isolation, depression, feelings of alienation, and abuse. The state moved to require all schools receiving grant money to provide counseling services on site for their students on a regular, daily basis (PDE, 2001). This was seen as a big step in the proactive direction for at risk students. This component is so new, that data collection over the next few years will be needed to determine effectiveness.

This change is having a spill over effect in the regular schools in Pennsylvania. Now schools are taking a more proactive approach with their teens and making changes in school climate such as improving relationships between adults and students. Another plan is to help students learn acceptable ways to resolve conflicts without violence. Many schools in Pennsylvania have begun anti-bullying programs, peer mediation, and conflict resolution initiatives for the entire school.

VI. The Changing Nature of the Safe Schools Act

From a policy perspective, it is easy to see how the original gun control legislation led to zero tolerance and forced schools to expel children for relatively minor offenses. This was the result of a top down approach by the federal government to force drastic changes on schools due to media induced hysteria and misperceptions about school violence. Sabatier (1986) provides a useful framework for analyzing the policy from the beginning stages. In his article (*Top-Down an Bottom-Up Approaches to Implementation Research: a Critical Analysis and Suggested Synthesis*) on page 24 he presents a chart explaining the source of the problem.

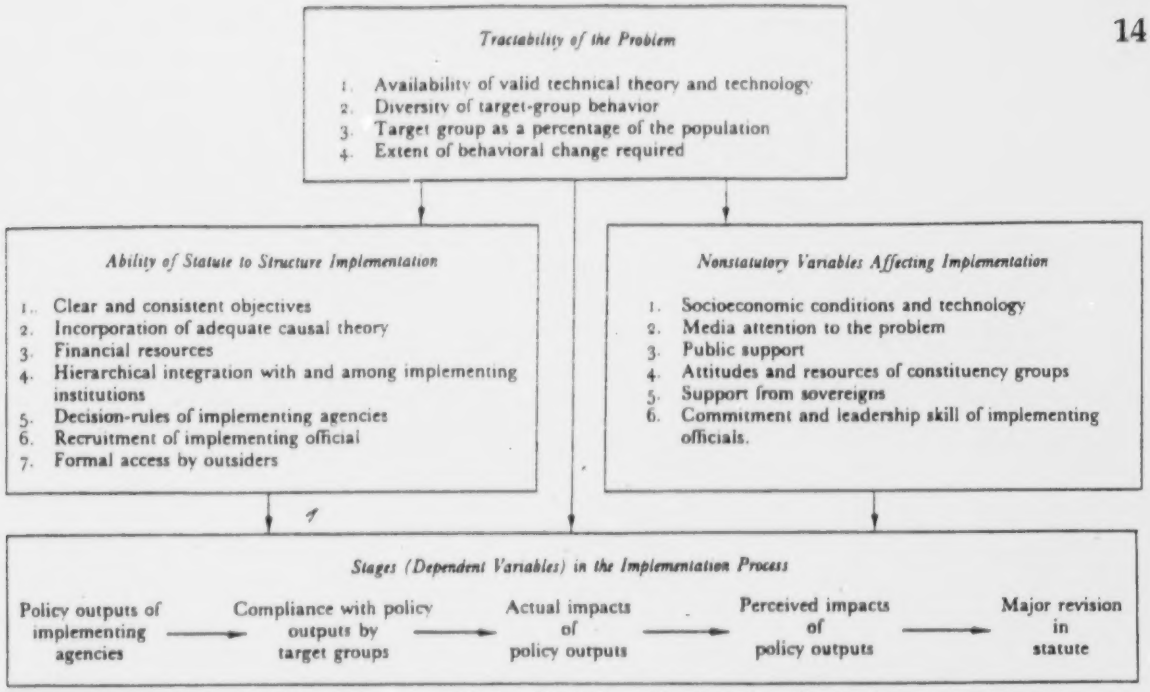
Tractability of the Problem
1. Availability of valid technical theory and technology
2. Diversity of target-group behavior
3. Target group as a percentage of the population
4. Extent of behavioral change required
Ability of Statute to Structure Implementation
1. Clear and consistent objectives
2. Incorporation of adequate causal theory
3. Financial resources
4. Hierarchical integration with and among implementing institutions
5. Decision-rules of implementing agencies
6. Recruitment of implementing official
7. Formal access by outsiders
Nonstatutory Variables Affecting Implementation
1. Socioeconomic conditions and technology
2. Media attention to the problem
3. Public support
4. Attitudes and resources of constituency groups
5. Support from sovereigns
6. Commitment and leadership skill of implementing officials.
Stages (Dependent Variables) in the Implementation Process
Policy outputs of implementing agencies
Compliance with policy outputs by target groups
Actual impacts of policy outputs
Perceived impacts of policy outputs
Major revision in statute

FIGURE 1. *Skeletal Flow Diagram of the Variables Involved in the Implementation Process*

Source: Sabatier and Mazmanian (1980: 542).

It all begins with the availability of valid technical information, in this case about violence in schools as reported by the media. Specifically it was reported that school children were involved in gun related violence and that it was growing. The local, state, and federal government reported that change was necessary to provide security for all school children. The next step, according to Sabatier, is the implementation process. This appears in five stages -- policy outputs of implementing agencies (local and state in this piece of legislation); compliance with policy outputs by target groups (the local school districts); actual impacts of policy outputs (the problems that arose when the zero tolerance policy was implemented and many students were expelled for trivial offenses including disobedience); perceived impacts of policy outputs (as reported by the media and the perception that schools were "safer" because of extraordinary steps taken such as surveillance, metal detectors, etc.; major revisions in

the statue or law to clarify and extend the legislation (the changes that were made in 1997 and 1999).

Clinton's Gun-Free Schools Act of 1994 started the process formally, but as was stated earlier, the media focused attention on the issue of school violence from 1991-94. If we use Clinton's Act of 1994 as the initial focus, a federal or central government decision to apply zero tolerance to school children and weapons is the essence of the law. The next step is to identify the major actors in the process. In Pennsylvania, Governor Ridge (along with many other state governors) who chose to implement the policy through the Safe Schools Act of 1995. This act further defined "weapons", strengthened the zero tolerance idea, and added expulsion for even what one might consider minor offenses such as misconduct and disobedience. In turn, local school boards tried to implement the zero tolerance provision, but from the beginning saw its infringement upon student rights and their educational requirements. Examples of policy implementation included the following:

- A seventeen-year-old junior shot a paper clip with a rubber band at a classmate, missed, and broke the skin of a cafeteria worker. The student was expelled from school for a full calendar year.
- A nine-year-old on the way to school found a manicure kit with a 1 inch knife. The student was suspended for one day.
- A junior was expelled for bringing a can of pepper spray to school on a key chain (Brooks, Schiraldi, and Ziedenberg, 1999).

In the next stage, according to Sabatier evaluative criteria are applied. This is an attempt to see just how cooperative local and state governments are in implementing the new legislature. Cooperation was remarkable, given the short time between introduction of the policy at the federal level (1994) and the creation of laws in Pennsylvania (1995) that specifically concerned weapons and expulsion. In the school year 1996-97, approximately 5,724 students were expelled under the Gun-Free Schools

Act. In 1997-98 the number dropped to 3,930 (Brooks, Schiraldi, and Ziedenberg, 1999). This was no doubt due to the changes made in alternative education to accommodate at-risk youth by providing grants and funds for their education. In addition educators were more responsive to students with emotional and mental issues, trying to make accommodations to lessen the risk of disruption, failure, and violence at school. These changes demonstrate what Sabatier means by policy reformulation over time on the basis of experience.

VII. Concluding Thoughts

Fortunately for the students today and their parents, public policy as it impacts schools is refocusing energies upon preventative measures to address school climate problems. Hopefully the broad use of policies such as the Gun-Free Schools Act and the Safe Schools Acts of 1995 aimed at keeping school children safe will not be repeated in this manner in the future. Further data collected by the U.S. Government shows that there is a disparity in student suspension/expulsion rates by race. In 1997, black male students comprised about 17% of students enrolled in all public schools in the U.S., however they made up 32% of the overall students suspended that year (Gordon, Piana, and Kelleher, 2000). Minority students seem to bear the brunt of zero tolerance policies.

While policy makers and politicians are attempting to respond to parents' fears of school violence in a variety of ways, there is no single best method to assure school safety. No metal detectors, surveillance system, and no expulsion policy will ever provide a guarantee against a school shooting or even petty theft. Even attempts by the FBI to profile potential school shooters are only contributing to the hype and fear, creating more restrictive environments in the little neighborhood school. Instead, educators, policy makers, and the media need to focus their efforts on creating an

atmosphere of nonviolence in schools. Mayer and Leone (1999) have found that schools which rely on metal detectors and locker searches to achieve student safety actually show higher rates of reported victimization than schools which create an atmosphere of safety through adherence to rules.

One other method that has been proven to alleviate fear and promote safety is to improve relationships between adults and students in schools through more personal school and classroom interactions. Some schools have put a special emphasis on teaching students and adults to resolve conflicts through mediation rather than resorting to violence. Such programs as the Resolving Conflict Creatively Program, or RCCP, is widely regarded by public health experts as one of the most promising violence prevention programs now in operation. This program's focus on creating school change through the management of both individual classrooms and the school as a whole and a value system of nonviolence is unique. This approach "means that students have a safe environment in which to explore peaceful ways of resolving conflict" (DeJong, 1999.)

Another nonviolence school strategy, the Peacemakers Program, is being used in Cleveland public schools. Students in grades four through eight in the 1997-98 school year had violence prevention instruction included in the regular curriculum as well as the entire school culture. A 1999 evaluation showed a 41% reduction in aggression related disciplinary incidents and a 67% decrease in suspensions for violent behavior (Shapiro, 1999).

In the future, public policy makers need not focus on highly publicized but actually rare threats to America's school children. Rather we need to continue to focus on the root causes of violence by and against young people, and our ability to provide high quality learning environments individualized to meet the needs of all students.

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